

REMARKS

Upon entry of the present amendment, claims 1-54 will remain pending in the above-identified application, with claims 34-37 being withdrawn from consideration.

Claim Amendments

By this amendment, the dependencies of various claims are revised. New claim 54 is added. Several editorial revisions are made in the claims. Proviso language is added to claim 1. No new matter is added by this amendment.

Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter for claims 3-5, 8-14, 17-32 and 38-53. However, for the reasons presented below, as well as the above amendments, it is believed that all pending claims are directed to allowable subject matter.

Election of Species Requirement

Applicants acknowledge with appreciation the indication that the prior election of species requirement has been withdrawn by the Examiner and that all pending claims have been examined to their fullest extent, with the exception of claims 34-37 which are withdrawn from consideration.

Rejection under 35 USC 112 (paragraph two)

Claim 33 stands rejected under 35 USC 112 (paragraph two) as not distinctly claiming the invention.

In response, claim 33 is amended to be directed to a pharmaceutical composition as suggested by the Examiner.

The rejection is thus believed to be moot and should be withdrawn.

Rejection under 35 USC 102(b)

Claims 1, 2, 6, 7, 15, 16 and 33 stand rejected under 35 USC 102(b) as being anticipated by Pfizer Limited (reference N). This rejection respectfully is traversed.

In support of the rejection, the Examiner makes reference to the compound at page 2, lines 6-8 of the reference, as well as the compound at page 7, line 20.

In response, applicants believe that the Examiner misunderstands the teachings of the reference. The Examiner asserts that the referenced compounds at pages 2 and 7 of the reference fall within the scope of claim 1.

However, each side chain of the disclosed compounds (i.e., $-\text{O}-(\text{CH}_2)_2-\text{COOH}$, $-\text{O}-(\text{CH}_2)_2-\text{CONH}_2$ and $-\text{O}-(\text{CH}_2)_3-\text{COOC}_2\text{H}_5$), which structurally correspond to the group of (1-1) of R^3 of the compound of formula (1) in claim 1, fail to meet the definition of R^3 due to the fact that R^3 (as a result of the newly-added proviso language) cannot contain a carbonyl group ($-\text{CO}-$) to form a carboxyl group, carboxamide group, or ester group.

Further, the carboxylic acid derivative and the ester derivative of the Pfizer reference fail to satisfy the definition of R^3 because each side chain fails to include $\text{N}(\text{A}^3)(\text{A}^{31})$.

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In view of the above, the rejection is believed to be without basis and should be withdrawn.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant